

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DONALD DELONEY,

Case No. 3:16-cv-00108-MMD-VPC

Petitioner,

ORDER

v.

WICKHAM, et al.,

Respondents.

Petitioner has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and an application to proceed *in forma pauperis* (dkt. nos. 1, 1-1). The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, a petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate. Petitioner did not attach an inmate account statement for the past six months. The application, therefore, is incomplete.

This action therefore is subject to dismissal without prejudice as improperly commenced. However, it appears from the papers presented that a dismissal without prejudice may materially affect a later analysis of any timeliness issue with regard to a new action.¹

¹ This Court may take judicial notice of the docket of the Nevada Supreme Court, which reflects that the Nevada Court of Appeals affirmed the denial of petitioner's state postconviction habeas petition on July 14, 2015 (Case No. 67383). Remittitur issued on August 10, 2015.

1 Accordingly, petitioner will have thirty (30) days to submit an inmate account
2 statement for the past six months. Failure to do so may result in the dismissal of this
3 action without prejudice.

4 It is therefore ordered that within thirty (30) days of the date of this order petitioner
5 must submit his inmate account statement for the past six months.

6 It is further ordered that if petitioner fails to submit the inmate account statement,
7 this action may be dismissed without prejudice.

8 DATED THIS 22nd day of April 2016.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE